

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
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First Regular Session
2009

CHAPTER 148

HOUSE BILL 2622

AN ACT

AMENDING SECTIONS 8-801, 8-823, 8-824, 8-841, 8-842, 8-847 AND 8-862, ARIZONA
REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-801, Arizona Revised Statutes, is amended to
3 read:

4 8-801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Child protective services worker" or "worker" means a person who
7 has been selected by and trained under the requirements prescribed by the
8 department and who assists in carrying out the provisions of this article.

9 2. "Criminal conduct allegation" means an allegation of conduct by a
10 parent, guardian or custodian of a child that, if true, would constitute any
11 of the following:

12 (a) A violation of section 13-3623 involving child abuse.

13 (b) A felony offense that constitutes domestic violence as defined in
14 section 13-3601.

15 (c) A violation of section 13-1404 or 13-1406 involving a minor.

16 (d) A violation of section 13-1405, 13-1410 or 13-1417.

17 (e) Any other act of abuse that is classified as a felony.

18 3. "In-home intervention" means a program of services provided
19 pursuant to article 7 of this chapter while the child is still in the custody
20 of the parent, guardian or custodian.

21 4. "Protective services" means a specialized child welfare program
22 that is administered by the department as provided in this chapter and that
23 investigates allegations of and seeks to prevent, intervene in and treat
24 abuse and neglect, to promote the well-being of the child in a permanent home
25 and to coordinate services to strengthen the family.

26 5. "RELATIVE" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-501.

27 Sec. 2. Section 8-823, Arizona Revised Statutes, is amended to read:

28 8-823. Notice of taking into temporary custody

29 A. If a child is taken into temporary custody pursuant to this
30 article, the interested person, peace officer or child protective services
31 worker taking the child into custody shall provide written notice within six
32 hours to the parent or guardian of the child, unless:

33 1. The parent or guardian is present when the child is taken into
34 custody, then written and verbal notice shall be provided immediately.

35 2. The residence of the parent or guardian is outside this state and
36 notice cannot be provided within six hours, then written notice shall be
37 provided within twenty-four hours.

38 3. The residence of the parent or guardian is not ascertainable, then
39 reasonable efforts shall be made to locate and notify the parent or guardian
40 of the child as soon as possible.

41 B. The written notice shall contain a signature line for the parent or
42 guardian to acknowledge receipt of both written and verbal notices. The
43 written and verbal notices shall contain the name of the person and agency
44 taking the child into custody, the location from which the child was taken
45 and all of the following information:

1 1. Specific reasons as to why the child is being removed. The notice
2 shall list the specific factors that caused the determination of imminent
3 danger.

4 2. Services that are available to the parent or guardian, including a
5 statement of parental rights and information on how to contact the
6 ombudsman-citizen's aide office and an explanation of the services that
7 office offers.

8 3. The date and time of the taking into custody.

9 4. The name and telephone number of the agency responsible for the
10 child.

11 5. A statement of the reasons for temporary custody of the child.

12 6. A statement that the child must be returned within seventy-two
13 hours excluding Saturdays, Sundays and holidays unless a dependency petition
14 is filed and a statement that a child in temporary custody for examination
15 pursuant to section 8-821, subsection B, paragraph 2 must be returned within
16 twelve hours unless abuse or neglect is diagnosed.

17 7. One of the following:

18 (a) If a dependency petition has not been filed or if the information
19 prescribed in subdivision (b) is not available, a statement that if a
20 dependency petition is filed, the parent or guardian will be provided a
21 written notice no later than twenty-four hours after the petition is filed
22 that contains the information prescribed in subdivision (b).

23 (b) In all other cases, the date, time and place of the preliminary
24 protective hearing to be held pursuant to section 8-824 and the requirements
25 of subsection D of this section.

26 8. A statement of the right of the parent or guardian to counsel and
27 that counsel will be appointed pursuant to section 8-221 through the juvenile
28 court if a dependency petition is filed and the person is indigent.

29 9. Information regarding the ability of the person about whom the
30 report was made to provide a verbal, telephonic or written response to the
31 allegations. A verbal response shall be included in the written report of
32 the investigation. A written response, including any documentation, shall be
33 included in the case file. The response shall be provided to the removal
34 review team if the response is made before the team considers the removal.

35 10. A statement that the hearing may result in further proceedings to
36 terminate parental rights.

37 11. A STATEMENT THAT THE PARENT OR GUARDIAN MUST IMMEDIATELY PROVIDE TO
38 THE DEPARTMENT THE NAMES, TYPE OF RELATIONSHIP AND ALL AVAILABLE INFORMATION
39 NECESSARY TO LOCATE PERSONS RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT
40 RELATIONSHIP WITH THE CHILD. IF THERE IS NOT SUFFICIENT INFORMATION
41 AVAILABLE TO LOCATE A RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH
42 THE CHILD, THE PARENT SHALL INFORM THE DEPARTMENT OF THIS FACT. IF THE
43 PARENT OR GUARDIAN OBTAINS INFORMATION REGARDING THE EXISTENCE OR LOCATION OF
44 A RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD THE

1 PARENT OR GUARDIAN SHALL IMMEDIATELY PROVIDE THAT INFORMATION TO THE
2 DEPARTMENT.

3 12. A STATEMENT THAT THE PARENT OR GUARDIAN MUST BE PREPARED TO PROVIDE
4 TO THE COURT AT THE PRELIMINARY PROTECTIVE HEARING THE NAMES, TYPE OF
5 RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS
6 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

7 C. The protective services worker shall provide the parent or guardian
8 with the notice even if the parent or guardian refuses to sign the
9 acknowledgment.

10 D. Immediately before the time of the preliminary protective hearing,
11 the persons described in section 8-824, subsection B shall meet and attempt
12 to reach an agreement about placement of the child, services to be provided
13 to the child, parent or guardian and visitation of the child. The parties
14 shall meet with their counsel, if any, before this meeting. Consideration
15 shall be given to the availability of reasonable services to the parent or
16 guardian and the child's health and safety shall be a paramount concern. The
17 persons described in section 8-824, subsection C may attend the meeting to
18 reach an agreement.

19 E. If a dependency petition is filed by the department, the child
20 protective services worker is responsible for delivering the notice of the
21 preliminary protective hearing prescribed in subsection B, paragraph 7 of
22 this section to the parent or guardian. In all other cases, the person who
23 files the dependency petition is responsible for delivery of this notice to
24 the parent or guardian. If the location of the parent or guardian is
25 unknown, the person who is responsible for serving this notice shall make
26 reasonable efforts to locate and notify the parent or guardian.

27 Sec. 3. Section 8-824, Arizona Revised Statutes, is amended to read:

28 8-824. Preliminary protective hearing; probable cause;
29 appointment of counsel

30 A. The court shall hold a preliminary protective hearing to review the
31 taking into temporary custody of a child pursuant to section 8-821 not fewer
32 than five days nor more than seven days after the child is taken into
33 custody, excluding Saturdays, Sundays and holidays. If clearly necessary to
34 prevent abuse or neglect, to preserve the rights of a party or for other good
35 cause shown, the court may grant one continuance that does not exceed five
36 days.

37 B. The following persons shall be present at the preliminary
38 protective hearing:

39 1. The child's parents or guardian, unless they cannot be located or
40 they fail to appear in response to the notice.

41 2. Counsel for the parents if one has been requested or retained.

42 3. The child's guardian ad litem or attorney.

43 4. The protective services worker.

44 5. Counsel for the protective services worker.

1 C. If the court finds that it is in the best interests of the child,
2 the court may allow the following to be present at the preliminary protective
3 hearing:
4 1. The child.
5 2. Any relative or other interested person with whom the child is or
6 might be placed as described in section 8-845, subsection A.
7 3. Witnesses called by the parties.
8 4. An advocate or interested person as requested by the parent or
9 guardian.
10 5. Other persons who have knowledge of or an interest in the welfare
11 of the child.
12 D. At the hearing, the court shall advise the parent or guardian of
13 the following rights:
14 1. The right to counsel, including appointed counsel if the parent or
15 guardian is indigent.
16 2. The right to cross-examine all witnesses who are called to testify
17 against the parent or guardian.
18 3. The right to trial by court on the allegations in the petition.
19 4. The right to use the process of the court to compel the attendance
20 of witnesses.
21 E. At the hearing, the court:
22 1. Shall receive a report of any agreement reached pursuant to section
23 8-823, subsection D. The report may be made orally.
24 2. Shall provide an opportunity for the child's parent or guardian, if
25 present, and any other person who has relevant knowledge, to provide relevant
26 testimony.
27 3. May limit testimony and evidence that is beyond the scope of the
28 removal of the child, the child's need for continued protection, placement,
29 visitation and services to be provided to the child and family.
30 4. May take into consideration as a mitigating factor the
31 participation of the parent or guardian in the healthy families program
32 established by section 8-701.
33 5. Shall take into consideration as a mitigating factor the
34 availability of reasonable services to the parent or guardian to prevent or
35 eliminate the need for removal of the child and the effort of the parent or
36 guardian to obtain and participate in these services.
37 6. Shall inform the child's parent or guardian that the hearing may
38 result in further proceedings to terminate parental rights.
39 7. SHALL ORDER THE PARENT OR GUARDIAN TO PROVIDE THE COURT THE NAMES,
40 TYPE OF RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE
41 PERSONS RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE
42 CHILD. IF THERE IS NOT SUFFICIENT INFORMATION AVAILABLE TO LOCATE A RELATIVE
43 OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD, THE PARENT OR
44 GUARDIAN SHALL INFORM THE COURT OF THIS FACT. THE COURT SHALL FURTHER ORDER
45 THE PARENT OR GUARDIAN TO INFORM THE DEPARTMENT IMMEDIATELY IF THE PARENT OR

1 GUARDIAN BECOMES AWARE OF INFORMATION RELATED TO THE EXISTENCE OR LOCATION OF
2 A RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP TO THE CHILD.

3 ~~7.~~ 8. Shall inform the parent that substantially neglecting or
4 wilfully refusing to remedy the circumstances that cause the child to be in
5 an out-of-home placement, including refusing to participate in reunification
6 services, is grounds for termination of parental rights to a child.

7 ~~8.~~ 9. Shall give paramount consideration to the health and safety of
8 the child.

9 ~~9.~~ 10. Shall ~~review evidence that~~ DETERMINE WHETHER the department is
10 attempting to identify and assess placement of the child with a grandparent
11 or another member of the child's extended family including a person who has a
12 significant relationship with the child.

13 ~~10.~~ 11. Shall inform a foster parent, preadoptive parent or a member
14 of the child's extended family with whom the department has placed the child
15 of the right to be heard in any proceeding to be held with respect to the
16 child.

17 F. The petitioner has the burden of presenting evidence as to whether
18 there is probable cause to believe that continued temporary custody is
19 clearly necessary to prevent abuse or neglect pending the hearing on the
20 dependency petition.

21 G. If the child is in the temporary custody of the department, the
22 department shall submit not later than the day before the hearing a written
23 report to the court and the parties that states:

24 1. The reasons the child was removed from the parent's or guardian's
25 custody.

26 2. Any services that have been provided to the child or the child's
27 parent or guardian to prevent removal.

28 3. The need, if any, for continued temporary custody.

29 4. The types of service needed to facilitate the return of the child
30 to the custody of the child's parents or guardian.

31 5. If the child is not placed with a grandparent, whether the child
32 has any relatives or other interested parties as described in section 8-845,
33 subsection A who may be able and willing to take temporary custody.

34 6. Any services that are requested by the parent or guardian but that
35 are not provided and the reasons the services were not provided.

36 7. Any efforts made to place siblings together, and if they are not
37 placed together, the reasons why.

38 8. Any efforts made to facilitate communications among siblings.

39 9. A proposal for visitation and the results of any visitation that
40 has occurred since the child was removed.

41 10. A proposed case plan for services to the family.

42 H. The parent or guardian shall state whether the parent or guardian
43 admits or denies the allegations in the petition filed pursuant to section
44 8-841. If the parent or guardian admits or does not contest the allegations
45 in the petition, the court shall determine that the parent or guardian

1 understands the rights described in subsection D of this section and that the
2 parent or guardian knowingly, intelligently and voluntarily waives these
3 rights.

4 I. At the hearing, if the child is not returned to the parent or
5 guardian, the court shall:

6 1. Enter orders regarding the placement of the child pending the
7 determination of the dependency petition and visitation, if any.

8 2. If a relative is identified as a possible placement for the child,
9 notify the relative of the right to be heard in any proceeding to be held
10 with respect to the child.

11 3. Determine if the tasks and services set forth in the case plan are
12 reasonable and necessary to carry out the case plan.

13 Sec. 4. Section 8-841, Arizona Revised Statutes, is amended to read:

14 8-841. Dependency petition; service; preliminary orders

15 A. Any interested party may file a petition to commence proceedings in
16 the juvenile court alleging that a child is dependent.

17 B. The petition shall be verified and shall contain all of the
18 following:

19 1. The name, age and address, if any, of the child on whose behalf the
20 petition is brought.

21 2. The names and addresses, if known, of both parents and any guardian
22 of the child.

23 3. A concise statement of the facts to support the conclusion that the
24 child is dependent.

25 4. If the child was taken into temporary custody, the date and time
26 the child was taken into custody.

27 5. A statement whether the child is subject to the Indian child
28 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code
29 sections 1901 through 1963).

30 C. The person who files the petition shall have the petition and a
31 notice served on:

32 1. The parents and any guardian of the child.

33 2. The child's guardian ad litem or attorney.

34 3. Any person who has filed a petition to adopt or who has physical
35 custody pursuant to a court order in a foster-adoptive placement.

36 D. The notice shall contain all of the following:

37 1. The name and address of the person to whom the notice is directed.

38 2. The date, time and place of the hearing on the petition.

39 3. The name of the child on whose behalf the petition has been filed.

40 4. A statement that the parent or guardian and the child are entitled
41 to have an attorney present at the hearing and that, if the parent or
42 guardian is indigent and cannot afford an attorney and wants to be
43 represented by an attorney, one will be provided.

44 5. A STATEMENT THAT THE PARENT OR GUARDIAN MUST BE PREPARED TO PROVIDE
45 TO THE COURT AT THE INITIAL DEPENDENCY HEARING THE NAMES, TYPE OF

1 RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS
2 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

3 ~~5-~~ 6. A statement that the hearing may result in further proceedings
4 for permanent guardianship or to terminate parental rights.

5 E. The petition and notice shall be served on a parent or guardian as
6 soon as possible after the petition is filed and at least five days before
7 the initial dependency hearing if the parent or guardian did not attend the
8 preliminary protective hearing. If a parent or guardian does attend the
9 preliminary protective hearing, the petition and notice shall be served at
10 the preliminary protective hearing.

11 F. On the filing of the petition, the court may issue any temporary
12 orders necessary to provide for the safety and welfare of the child.

13 Sec. 5. Section 8-842, Arizona Revised Statutes, is amended to read:

14 8-842. Initial dependency and dependency adjudication hearings;

15 deadlines

16 A. Except as provided in section 8-826, the court shall set the
17 initial dependency hearing within twenty-one days after the petition is
18 filed. If service by publication is required, the court may set an initial
19 dependency hearing within a time period to allow for publication pursuant to
20 the rules of procedure for the juvenile court.

21 B. AT THE INITIAL DEPENDENCY HEARING, THE COURT SHALL:

22 1. ORDER THE PARENT OR GUARDIAN TO PROVIDE THE COURT THE NAMES, TYPE
23 OF RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS
24 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
25 IF THERE IS NOT SUFFICIENT INFORMATION AVAILABLE TO LOCATE A RELATIVE OR
26 PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD, THE PARENT OR GUARDIAN
27 SHALL INFORM THE COURT OF THIS FACT. THE COURT SHALL ORDER THE PARENT OR
28 GUARDIAN TO INFORM THE DEPARTMENT IMMEDIATELY IF THE PARENT OR GUARDIAN
29 BECOMES AWARE OF INFORMATION RELATED TO THE EXISTENCE OR LOCATION OF A
30 RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

31 2. DETERMINE THAT THE DEPARTMENT IS ATTEMPTING TO IDENTIFY AND ASSESS
32 PLACEMENT OF THE CHILD WITH A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S
33 EXTENDED FAMILY INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH
34 THE CHILD.

35 ~~B-~~ C. The court may continue the initial dependency hearing for good
36 cause, but, unless the court has ordered in-home intervention, the dependency
37 adjudication hearing shall be completed within ninety days after service of
38 the dependency petition. The time limit for completing the dependency
39 adjudication hearing may be extended for up to thirty days if the court finds
40 good cause or in extraordinary cases as prescribed by the supreme court by
41 rule.

42 Sec. 6. Section 8-847, Arizona Revised Statutes, is amended to read:

43 8-847. Periodic review hearings

44 A. After the disposition hearing, the court shall hold periodic review
45 hearings at least once every six months as required by federal law.

1 B. At a proceeding to review the disposition orders of the court, the
2 court shall provide the following persons notice of the review and the right
3 to participate in the proceeding:

4 1. The authorized agency charged with the child's care and custody.

5 2. Any foster parents in whose home the child resided within the last
6 six months or resides at present, except for those foster parents who
7 maintain a receiving foster home where the child has resided for thirty days
8 or less. The petitioner shall provide the court with the names and addresses
9 of all foster parents who are entitled to notice pursuant to statute.

10 3. A shelter care facility or receiving foster home where the child
11 resides or has resided within the last six months for more than thirty
12 days. The petitioner shall provide the court with the names and addresses of
13 all shelter care facilities and receiving foster homes that are entitled to
14 notice pursuant to this paragraph.

15 4. The child's parent or guardian unless the parental rights of that
16 parent or guardian have been terminated by court action or unless the parent
17 has relinquished rights to the child to an agency or has consented to the
18 adoption of the child as provided in section 8-107.

19 5. The child, if twelve years of age or older.

20 6. The child's relative, as defined in section 8-501, if that relative
21 files a written notice of right of participation with the court.

22 7. A person permitted by the court to intervene as a party in the
23 dependency proceeding.

24 8. A physical custodian of the child within the preceding six months.

25 9. Any person who has filed a petition to adopt or who has physical
26 custody pursuant to a court order in a foster-adoptive placement.

27 10. Any other person as the court may direct.

28 C. At the first periodic review hearing, the court shall consider
29 whether a parent of a child who is under three years of age has substantially
30 neglected or wilfully refused to participate in reunification services
31 offered by the department.

32 D. At any periodic review hearing, the court shall consider the health
33 and safety of the child as a paramount concern.

34 E. AT ANY PERIODIC REVIEW HEARING THE COURT SHALL DETERMINE:

35 1. WHETHER THE DEPARTMENT HAS IDENTIFIED AND ASSESSED PLACEMENT OF THE
36 CHILD WITH A RELATIVE OR PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE
37 CHILD.

38 2. WHETHER THE PARENT OR GUARDIAN HAS COMPLIED WITH THE COURT ORDER
39 PURSUANT TO SECTION 8-824, SUBSECTION D, PARAGRAPH 6 OR SECTION 8-842
40 SUBSECTION B, PARAGRAPH 1.

41 ~~E.~~ F. If the court finds that a child is no longer dependent, before
42 it dismisses the proceeding the court shall provide notice of the sibling
43 information exchange program established pursuant to section 8-543 to the
44 following:

1 1. An adult who is the former dependent child in the proceeding for
2 whom the periodic review hearing is held.

3 2. A parent or guardian with legal custody of the former dependent
4 child for whom the periodic review hearing is held.

5 Sec. 7. Section 8-862, Arizona Revised Statutes, is amended to read:
6 8-862. Permanency hearing

7 A. The court shall hold a permanency hearing to determine the future
8 permanent legal status of the child:

9 1. Within thirty days after the disposition hearing if the court does
10 not order reunification services.

11 2. Within six months after a child who is under three years of age is
12 removed from the child's home. The court shall not continue that permanency
13 hearing beyond six months after the child who is under three years of age is
14 removed from the child's home unless the party who is seeking the continuance
15 shows that the determination prescribed in section 8-829, subsection A,
16 paragraph 6 has been made or will be made within the time prescribed in that
17 paragraph.

18 3. In all other cases, within twelve months after the child is removed
19 from the child's home. The court shall not continue the permanency hearing
20 beyond twelve months after the child is removed from the child's home unless
21 the party who is seeking the continuance shows that the determination
22 prescribed in section 8-829, subsection A, paragraph 5 has been made or will
23 be made within the time prescribed in that paragraph.

24 B. At the permanency hearing, the court shall determine:

25 1. Whether termination of parental rights, adoption, permanent
26 guardianship pursuant to section 8-872 or some other permanent legal status
27 is the most appropriate plan for the child and shall order the plan to be
28 accomplished within a specified period of time.

29 2. Whether reasonable efforts have been made to finalize the
30 permanency plan in effect.

31 C. If the court determines that the child should remain in out-of-home
32 placement longer than eighteen months from the date of the permanency order,
33 the court shall conduct a review of the order at least once each year. After
34 reviewing the order, the court may reaffirm the order or direct other
35 disposition of the child.

36 D. If the court determines that the termination of parental rights is
37 clearly in the best interests of the child, the court shall:

38 1. Order the department or the child's attorney or guardian ad litem
39 to file within ten days after the permanency hearing a motion alleging one or
40 more of the grounds prescribed in section 8-533 for termination of parental
41 rights. The party who files the motion has the burden of presenting evidence
42 at the termination hearing to prove the allegations in the motion.

43 2. Set a date for an initial hearing on the motion for termination of
44 parental rights within thirty days after the permanency hearing. If the
45 termination is contested at the initial hearing, the court shall set a date

1 for the trial on termination of parental rights within ninety days after the
2 permanency hearing.

3 E. The department shall make reasonable efforts to place the child in
4 a timely manner in accordance with the permanency plan and to complete
5 whatever steps are necessary to finalize the permanent placement of the
6 child.

7 F. If the court determines that permanent guardianship is clearly in
8 the best interests of the child, the court shall:

9 1. Order the department or the child's attorney or guardian ad litem
10 to file within ten days after the permanency hearing a motion alleging the
11 grounds prescribed in section 8-871 for permanent guardianship. The party
12 who files the motion has the burden of presenting evidence at the hearing to
13 prove the allegations in the motion.

14 2. Set a date for an initial hearing on the motion for permanent
15 guardianship within thirty days after the permanency hearing. If the
16 permanent guardianship is contested at the initial hearing, the court shall
17 set a date for the trial on the permanent guardianship within ninety days
18 after the permanency hearing.

19 G. Evidence considered by the court in making a decision pursuant to
20 this section also shall include any substantiated allegations of abuse or
21 neglect committed in another jurisdiction.

22 H. IF THE COURT DETERMINES THAT TERMINATION OF PARENTAL RIGHTS OR
23 PERMANENT GUARDIANSHIP IS CLEARLY IN THE BEST INTEREST OF THE CHILD AND THE
24 CHILD HAS BEEN PLACED IN A PROSPECTIVE PERMANENT PLACEMENT, REMOVAL OF THE
25 CHILD FROM THAT PLACEMENT MAY OCCUR ONLY BY COURT ORDER EXCEPT FOR REMOVAL
26 PURSUANT TO SECTIONS 8-802 OR 8-821. FOR PURPOSES OF THIS SUBSECTION A
27 PROSPECTIVE PERMANENT PLACEMENT INCLUDES:

28 1. A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S EXTENDED FAMILY
29 INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

30 2. A PERSON OR PERSONS WITH AN EXPRESSED INTEREST IN BEING THE
31 PERMANENT PLACEMENT FOR THE CHILD IN A CERTIFIED ADOPTIVE HOME WHERE THE
32 CHILD RESIDES, A HOME THAT IS A PERMANENT PLACEMENT FOR A SIBLING OF THE
33 CHILD OR A LICENSED FAMILY FOSTER HOME WHERE THE CHILD RESIDES.

34 I. THIS SECTION DOES NOT PREVENT THE DEPARTMENT FROM PRESENTING FOR
35 THE COURT'S CONSIDERATION A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S
36 EXTENDED FAMILY INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH
37 THE CHILD AND WHO HAS NOT BEEN IDENTIFIED AS A PROSPECTIVE PERMANENT
38 PLACEMENT FOR THE CHILD BEFORE THE CHILD'S PLACEMENT WITH A PROSPECTIVE
39 PERMANENT PLACEMENT.

40 Sec. 8. Delayed effective date

41 This act is effective from and after December 31, 2009.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.